

event, the Sixth Circuit has ruled that a dismissal currently on appeal may be counted as a “strike” until such time as it has been reversed. Coleman v. Tollefson, 733 F.3d 175 (6th Cir. 2013). Therefore, the Plaintiff’s motions to reconsider have no merit and are **DENIED**.

Plaintiff is herewith **ASSESSED** the civil filing fee of \$400.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the Plaintiff’s inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the Plaintiff’s inmate trust account; **or**

(b) twenty percent (20%) of the average monthly balance in the Plaintiff’s inmate trust account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff’s preceding monthly income (or income credited to the Plaintiff’s trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

This action is hereby **DISMISSED** for failure to comply with the instructions of the Court and for want of prosecution. Rule 41(b), Fed. R. Civ. P.

The Clerk is directed to send a copy of this order to the Warden of the Wilkinson County Correctional Facility in Woodville, Mississippi, to insure that the custodian of Plaintiff’s inmate trust

11/9/12 for want of prosecution. Appellate No. 12-60593 (5th Cir.).


Logan v. Waller, et al., Civil Action No. 4:11-0134 (N.D. Ms.)(dismissed for failure to state a claim). Appellant failed to timely pay the docketing fee and the appeal was dismissed on 12/26/12 for want of prosecution. Appellate No. 12-60788 (5th Cir.).

account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

Entry of this order shall constitute the final judgment in this case.

It is so **ORDERED**.

ENTERED this the 27 day of December, 2013.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court